

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GLOBALFOUNDRIES U.S. INC.,

Plaintiff,

ORDER

-against-

23-cv-3348 (KMK) (AEK)

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

As part of a letter motion to compel filed on December 12, 2023, *see* ECF Nos. 177-78, Plaintiff GlobalFoundries U.S., Inc. (“GF”) submitted to the Court certain materials that have been designated by Defendant International Business Machines Corporation (“IBM”) as “Export Controlled Information” (“ECI”) which, per IBM, may only be handled by U.S. persons. GF does not concede that these documents are properly designated as ECI, but nevertheless sought to take appropriate precautions in providing the materials to the Court for consideration. Accordingly, while GF filed, and the Court granted, a letter motion to seal certain other documents submitted with GF’s motion to compel, *see* ECF Nos. 176, 179, GF provided the documents designated as ECI to the Court in paper copy only, without filing those documents via ECF.

The Court hereby ORDERS that the documents designated as ECI—Exhibits B-E and O-T to the letter at ECF No. 178—be filed under seal via paper only, and maintained in the Court vault. The designation of these materials as ECI suffices as “another reason to believe a document should not be electronically filed,” within the meaning of Section 6.14 of the Southern District of New York’s Electronic Case Filing Rules & Instructions.

As discussed at the December 14, 2023 discovery hearing, any future filing of materials designated as ECI must be accompanied by a letter motion to authorize the filing of such materials under seal via paper only.

Dated: December 19, 2023
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge